LEGISLATIVE BUSINESS.

THE TRAVANCORE HINDU WIDOW'S REMARRIAGE BILL.

SRIMATI T. NARAYANI AMMA (*Nominated*) : Sir, I rise to move for leave to introduce the Travancore Hindu Widow's Remarriage Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

The question that leave be granted was put to the vote of the House and leave was granted.

THE TRAVANCORE KAMMALA BILL.

MR. G. NILAKANTAN (*Nominated*) : Sir, I move for leave to introduce the Travancore Kammala Bill.

MR. M. SIVATANU PILLAI (*Tovala*) : I second it.

MR. K. R. ELENKATH (*Kalkulam I*) : Sir, I object to leave being granted for the introduction of the Travancore Kammala Bill. In doing so, I wish to make a statement, Sir. This is a piece of social legislation and when leave is asked for permission to introduce it, it is incumbent on the—

PRESIDENT : Are you now going to discuss the merits of the Bill?

MR. K. R. ELENKATH (*Kalkulam I*) : No, Sir. I only want to make a statement while objecting to leave being granted to introduce this measure.

PRESIDENT : Then, you need only say that you object to leave being granted. The mover will now have the chance of saying what he has got to say for the necessity for such a measure.

MR. G. NILAKANTAN (*Nominated*) : Sir, the Kammalas are nominal *makkathayees*, but the Mitakshara law is not applicable to them. They are governed by custom which varies in different places. They are divided into 11 sections of which ten are Malayala Kammalas. Only one section consisting of 13,000 persons are Tamil Kammalas. The habit and custom of the Malayala Kammalas differ from those of the Tamil Kammalas, in respect of succession, inheritance, divorce and other things. There is no intermarriage and interdining between the Malayala and the Tamil Kammalas. Among the Malayala Kammalas, there is divorce and there is remarriage, while among the Tamil Kammalas there is no divorce and there is no remarriage. Again, Sir, on account of the absence of a codified law to govern their inheritance and marriage, the Malayala Kammalas do not obtain justice in the Judicial Courts of the Country. Succession is quite uncertain and the right of inheritance is claimed both by the female line and the male line. Some follow a mixed system.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : Is the member willing to leave the Tamil Kammala community alone?

MR. G. NILAKANTAN (*Nominated*) : I have explained in the Statement of Objects and Reasons that it is not intended to affect the Tamil Kammalas.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to a point of order. Sir, according to Standing Order No. 31, when a motion for leave to introduce a Bill is opposed, is it open to the member to discuss the merits of the legislation as such or only to point out the necessity for the legislation in general?

PRESIDENT: The member can only make a brief statement to justify the introduction of the measure. But I see, although from this distance, that the honourable member is indulging in manuscript eloquence. He has some speech written out previously. But at the same time let it be remembered that we are not now here to listen to a full dressed speech.

MR. G. NILAKANTAN (*Nominated*): I have not got a written speech with me. It is only the notes that I have.

PRESIDENT: All that I would like to point out is that, objection having been taken to leave being granted, the honourable member has got now a right simply to explain in general as briefly as possible why this legislation is necessary.

MR. G. NILAKANTAN (*Nominated*): There is no law now applying to the Malayala Kammalas. Hence the necessity for this measure.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): Has the wish of the community been ascertained in any definite manner?

MR. G. NILAKANTAN (*Nominated II*): Yes, Sir; they were given an opportunity to express an opinion on the measure.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the member is aware that there is a volume of opinion in his own community against the introduction of this Bill?

MR. G. NILAKANTAN (*Nominated*): No, Sir. Excepting a few people who live in the southern part of Travancore, a great majority of the Kammalas living north of Neyyattinkara are for this measure because they have no law at present guiding their inheritance.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know, Sir, whether the member is aware that there was a meeting held at Neyyattinkara where thousands of Kammalas were present and resolutions were unanimously passed to the effect that this Bill is not at all advantageous to them?

MR. G. NILAKANTAN (*Nominated*): Sir, I am not aware of any meeting so held. But I am aware of so many meetings held in all parts of Travancore in support of the measure.

Sir, these few facts will explain the absolute necessity for this bill. In some places we find that inheritance is claimed by nephews. In those same places we find that inheritance is claimed by the sons also. Again, Sir, we find in some places no distinction between self-acquired property and ancestral property. In other places we find that there is a difference between the two. Again, Sir, divorce is quite common in Travancore. But sometimes a suit is filed against the re-marriage and these cases crop up, simply because there is no law. There are some people who wish to adopt the manners and customs of the Tamil Kammalas.

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MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know, Sir, the total population of the Kammalas as per the last census?

MR. G. NILAKANTAN (*Nominated*): 2,08,000.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know, Sir, whether the Census Report makes a distinction between the Tamil-speaking Kammalas and the Malayalam-speaking Kammalas?

MR. G. NILAKANTAN (*Nominated*): Yes.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know, Sir, whether the majority of the Kammalas follow the *Makkathayam* or the *Marumakkathayam* system?

MR. G. NILAKANTAN (*Nominated*): They are nominally *makkathayees*, but they follow *marumakkathayam* customs also. As I said, their succession is not guided by principles of Mitakshara law but only by custom.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there any who follow the *marumakkathayam* system of inheritance?

MR. G. NILAKANTAN (*Nominated*): Yes, Sir. In my own case, there was a family dispute between the nephews and the sons in regard to inheritance. For years the litigation went on with the result that the family has been ruined by it. In Chirayinkil taluk also, there are various families which have been ruined on account of such litigation.

MR. P. C. KURIYAN (*Kottayam I*): May I know the number of the Malayalam-speaking Kammalas?

MR. G. NILAKANTAN (*Nominated*): 1,95,000. These people have no law to guide their inheritance, succession, marriage, divorce, etc. It is therefore necessary that such a measure as the one that I have brought forward should be given leave to be introduced.

MR. P. C. KURIYAN (*Kottayam I*): May I know wheher the troubles mentioned by the member are confined to his family alone?

MR. G. NILAKANTAN (*Nominated*): We find it in several places in Travancore. Sir, I repeat that there is absolute necessity for a law to govern the inheritance, succession, marriage and divorce among the Malayala Kammalas in the State. Any modification that might be deemed to be necessary may be made in the Bill during the later stages of the measure. At present leave may be granted for its introduction, so that the Bill may be placed before the House for its consideration.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, if a social piece of legislation is initiated, the main consideration that ought to weigh with the Legislature and the Government is whether there is a demand for it on the part of the community to whom it is intended to apply. As far as we, the members of this House, are aware, until this Bill has been moved by the honourable member, there has been no demand made by the community. Further, since the introduction of the Bill, there has been a persistent and strong opposition to it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Since when?

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MR. K. R. ELENKATH (*Kalkulam I*): Since the publication of the Bill.

MR A. S. DAMODARAN ASAN (*Mavelikara*): Was the Bill published in the Gazette?

MR. K. R. ELENKATH (*Kalkulam I*): I believe it was published in some newspaper.

MR. G. NILAKANTAN (*Nominated*): May I know from the member whether he is aware of the number of meetings held in Quilon, Kottayam and other places at the instance of the leaders of the community and whether they have jointly requested me to come with this Bill before the House?

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I had an opportunity to attend a meeting called together by the Kammalas.

MR. G. NILAKANTAN (*Nominated*): May I know where it was held?

MR. K. R. ELENKATH (*Kalkulam I*): In this very Town Hall a meeting was held.

It was a conference of the Kammala community as a whole.

One of the main points urged by the member was that the Tamil Kammalas and the Malayali Kammalas are two different communities and that they do not have intermarriage among themselves. Sir, one of the leaders of the Kammala community, Mr. G. Nilakantan, Assistant Excise Commissioner (Retired), has given his daughter in marriage to a Tamil Kammala, a tutor in the College. Sir, this very fact will show that there is intermarriage between the two communities. So his statement is entirely incorrect.

There is a strong opinion in the community that this will lead to cleavage among the community.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask whether there has been any legislation in which there was not some opposition?

MR. K. R. ELENKATH (*Kalkulam I*): There is some opposition. But it is only after persistent demand that a piece of social legislation is passed. That was the case in respect of the Nayar Regulation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask the member whether he is aware that the Nair Regulation was passed in spite of persistent opposition by a small section of the community?

MR. K. R. ELENKATH (*Kalkulam I*): Might have been. Both these conferences which met in the year preceding, by an overwhelming majority, passed resolutions opposing the introduction of this Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is there any definite, easily ascertainable law for the Kammalas at present?

MR. K. R. ELENKATH (*Kalkulam I*): They follow the general Mitakshara Law. There are certain customs prevalent in the community, though these are modified to a certain extent in certain places. The member himself, in his Statement of Objects and Reasons, says that they are all *Makkathayees* supposed to be governed by the rules

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of the Hindu Law. Again, he says that even among the Hindus following the Mitakshara Law the principles of the *Makkathayee* system are not strictly observed. That is what he states. The introduction of the Bill will create a strong cleavage in the community. It is not very clear whether the Malayalam-speaking community can be differentiated from the Tamil-speaking community. In North Travancore there are Tamilians who speak Malayalam. In South Travancore there are Malayala Kammalas speaking Tamil. As it is, it is very difficult to make out for which community this legislation is intended.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the Courts of Law find any difficulty in applying the present law?

MR. K. R. ELENKATH (*Kalkulam I*): In some cases, difficulties arise. And the examination of documents and witnesses is necessary.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether he acknowledges the fact that the mover of the Bill is admitted to be a leader of the Kammala Community?

MR. K. R. ELEKATH (*Kalkulam I*): He is one among the leaders of the community. I referred to him as a leader when in violation of the existing custom he gave his daughter in marriage to a Tamil Kammala. My view is that he ought to bring to bear a larger vision so that the whole community may be brought inside the Bill. I would press on the attention of the member that, before initiating such a legislation, he should move the community to express an opinion in the matter and see whether there is need for legislation and get a majority of the people in favour of the legislation. It would be premature if he launches upon such a legislation at this stage.

The question that leave be granted to the introduction of the Travancore Kammala Bill was then put and carried.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Colonies for Depressed Classes:

MR. T. T. KESAVAN SASTRI (*Nominated*): താഴെപ്പറയുന്ന പ്രമേയം ഈ സഭയുടെ തീരുമാനത്തിനായി ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

"This Assembly recommends to the Government that sanction be accorded for a colony each being opened for the use of the depressed classes by the Protector of the Depressed Classes in South, Central and North Travancore."

സർ, ഈ രാജ്യത്തിലെ അധഃകൃതവർഗ്ഗക്കാരുടെ ആവശ്യങ്ങളറിഞ്ഞു സഹായിക്കുന്നതിനായി ഒരു പ്രത്യേക സംരക്ഷണവകുപ്പുണ്ടാക്കുകയും, ഇതിലേക്കു പ്രതിവർഷം ഓരോ ഗണ്യങ്ങളായ സംഖ്യകൾ അനുവ

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